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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,735	04/08/2005	Fritz Krause	85934.000051	9345
23387	7590	02/12/2008		
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			EXAMINER MORROW, JASON S	
			ART UNIT	PAPER NUMBER
			3612	
			MAIL DATE	DELIVERY MODE
			02/12/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,735

Applicant(s)

KRAUSE, FRITZ

Examiner

Jason S. Morrow

Art Unit

3612

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 9 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 9/8/05

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 10/9/02. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the region which is on the side of the fastener turned away from the leg of the of the reinforcing element" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 10-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonne et al. (US Patent 5,743,047) in view of Brachmann (US Patent 4,656,784).

Bonne et al. discloses a sealing profile for sealing a powered window pane in a motor vehicle door comprising a base body made of an elastomeric material (rubber, see column 1, lines 55-64), at which at least one sealing portion (36) and at least one fastening portion (20) for defining said sealing profile at a door flange is provided, and including at least one trim strip (B) comprising a finishing portion and a fastener protruding (40, 41) therefrom for positive definition on said base body, wherein said trim strip is curved lengthwise (see figure 1), said fastener is configured as an elongated insertion limb oriented substantially perpendicular to said finishing portion and at least one appendage (17, 18) is provided, and a slotted retainer channel (18, 19) oriented substantially parallel to said door flange and provided with at least one recess (42, 43), said fastener being arranged in said retainer channel and said appendage of said fastener positively engaging the corresponding recess of said retainer channel.

Re claim 2, the trim strip is an extruded aluminum part (see column 3, line 8, the fact that the trim strip is extruded does not necessarily impart any structure to the strip not shown by the reference).

Re claim 3, said fastener (40) protrudes from an upper end portion of said finishing portion.

Re claim 4, the fastener (41) protrudes from a middle portion of said finishing portion.

Re claim 5, the appendages are configured at said finishing portion, which engage in corresponding recesses of said base body (see figure 2).

Re claim 6, the base body comprises a first sealing portion (27, 28) for weather sealing

said powered window pane and a second sealing portion (36) for weather sealing said door relative to said vehicle body.

Re claim 7, the first sealing portion comprises sealing lips (27 and 28) which protrude from said base body and contact said powered window pane.

Re claim 8, the second sealing portion comprises a sealing lip (36) which protrudes from said base body and contacts said vehicle body.

Re claim 10, Bonne et al. discloses a sealing profile for sealing a powered window pane in a motor vehicle door comprising a base body made of an elastomeric material (rubber, see column 1, lines 55-64) and comprising a first sealing portion (3) for weather sealing the window pane, the first sealing portion having sealing lips (27, 28) which protrude from the base body and are configured to contact the window pane (12), a second sealing portion (2) for weather sealing the door relative to the vehicle body, the second sealing portion having a sealing lip (36) which protrudes from the base body and is configured to contact the vehicle body, a fastening portion (20) for fastening the sealing profile at a door flange, and a slotted retainer channel (18) having at least one recess, and a trim strip (B) extending in a longitudinal direction, the trim strip being curved lengthwise and comprising a finishing portion, and a fastener (40, 41) configured as an elongated insertion limb (16, 17) oriented substantially perpendicular to the finishing portion and having at least one appendage, wherein the fastener is arranged in the retainer channel and the appendage of the fastener positively engages the corresponding recess of the retainer channel.

Re claim 11, the base body is free from a reinforcing element in the region which is on the side of the fastener turned away from the leg of the reinforcing element (see figure 2).

Re claim 14, the trim strip is an extruded aluminum part (see column 3, line 8, the fact

that the trim strip is extruded does not necessarily impart any structure to the strip not shown by the reference).

Re claim 15, the trim strip is substantially L-shaped in cross-section (the bottom portion of the trim strip is L-shaped), and wherein the fastener protrudes from an upper end portion of the finishing portion.

Re claim 16, the trim strip is substantially T-shaped in cross-section (the trim strip is T-shaped below 18), and wherein the fastener (41) protrudes from a middle portion of the finishing portion.

Re claim 17, the finishing portion comprises appendages (17, 18) which engage in corresponding recesses of the base body.

Re claim 19, the retainer channel (18) is located between the fastening portion and the first sealing portion.

Re claim 20, the retainer channel (19) is located between the fastening portion and the second sealing portion.

Bonne et al. does not disclose the base body comprising a flexible reinforcing element which reinforces said finishing portion in the region of said door flange or the second sealing portion comprising more than one lip.

Brachmann discloses the use of a flexible U-shaped reinforcing element (34, constructed of aluminum which is flexible in thin sheet, it is U-shaped in the region of the door flanges) which reinforces a finishing portion in the region of a door flange and a second sealing portion comprising more than one lip (20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a sealing profile, such as that disclosed by Brachmann, to include a flexible U-shaped reinforcing element which reinforces the finishing portion in the region of the door flange and more than one lip on the second sealing portion, as taught by Brachmann, in order to ensure that the sealing profile remains in place when in use and there are no leaks between the door and the vehicle body.

Allowable Subject Matter

6. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mishima et al., Teishi, Keeney et al., Drozd et al., Nozaki et al., Stipp, Saito, and Japanese Publication 4-110228 disclose vehicle door sealing profiles.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason S. Morrow/
Primary Examiner, Art Unit 3612

February 3, 2008